

## Environmental Protection Agency

## § 52.2080

or operator for two years after the date on which the pertinent report is submitted.

[41 FR 2232, Jan. 15, 1976, as amended at 51 FR 40677, Nov. 7, 1986]

### § 52.2076 Attainment of dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Rhode Island's plan, except where noted.

Air quality control region	Pollutant					
	SO		PM <sub>10</sub>	NO <sub>2</sub>	CO	O <sub>3</sub>
	Primary	Secondary				
Rhode Island portion of AQCR 120 (Entire State of Rhode Island) .....	(a)	(b)	(a)	(a)	(a)	(c)

<sup>a</sup> Air quality levels presently better than primary standards or area is unclassifiable.

<sup>b</sup> Air quality levels presently better than secondary standards or area is unclassifiable.

<sup>c</sup> November 15, 2007.

[50 FR 52461, Dec. 24, 1985, as amended at 68 FR 16724, Apr. 7, 2003]

### § 52.2078 Enforcement.

(a) Sections 23-25-5(h) and 23-25-8(a) of the General Laws of Rhode Island are disapproved insofar as they permit the Rhode Island Director of the Department of Health to issue abatement orders (1) that defer compliance with plan requirements beyond the dates required for attainment of the national standards, (2) without the approval of the Administrator, and (3) for reasons not permitted by the Clean Air Act.

(b) Regulation limiting administrative abatement orders. (1) No order deferring compliance with a requirement of the Rhode Island Implementation Plan shall be issued by the Director of the Department of Health which does not meet the following requirements:

(i) An order must require compliance with the plan requirement within the times and under the conditions specified in § 51.261 (a) and (b) of this chapter.

(ii) An order may not defer compliance beyond the last date permitted by section 110 of the Act for attainment of the national standard which the plan implements unless the procedures and conditions set forth in section 110(f) of the Act are met.

(iii) An order shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§ 51.104, 51.105, 51.261 and 51.262(a).

(2) Notwithstanding the limitations of paragraph (b)(1)(ii) of this section, an order may be granted which provides for compliance beyond the statutory attainment date for a national standards where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such order may not defer compliance for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

[38 FR 18879, 18880, July 16, 1973, as amended at 38 FR 30878, Nov. 8, 1973; 51 FR 40675, 40676, 40677, Nov. 7, 1986]

### § 52.2079 Requirements for state implementation plan revisions relating to new motor vehicles.

Rhode Island must comply with the requirements of § 51.120.

[60 FR 4738, Jan. 24, 1995]

### § 52.2080 Revisions.

(a) The revision procedures of the Rhode Island plan are not adequate since the plan does not expressly provide for revisions at the times and under the conditions set forth in § 51.104 of this chapter.

(b) Regulation for plan revisions. (1) The Rhode Island implementation plan shall be revised:

(i) When necessary to take account of a revision of the national primary or

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secondary ambient air quality standard which it implements;

(ii) When improved or more expeditious methods of attaining a national standard which it implements become available;

(iii) When the Administrator finds that the plan is substantially inadequate to attain or maintain the national standard which it implements and issues notice of such finding pursuant to § 51.104 of this chapter.

(2) The Rhode Island implementation plan may be revised from time to time to the extent such revisions are consistent with the requirements applicable to implementation plans set forth in this chapter and the Act.

(3) No revisions shall be effective until the hearing requirements of

§ 51.102 of this chapter have been satisfied.

[38 FR 18879, 18880, July 16, 1973, as amended at 38 FR 30878, Nov. 8, 1973; 51 FR 40675, Nov. 7, 1986]

**§ 52.2081 EPA-approved EPA Rhode Island State regulations.**

The following table identifies the State regulations which have been approved by EPA and incorporated by reference into the Rhode Island State Implementation Plan. This table is for informational purposes only and does not have any independent regulatory requirements for a specific situation consult the plan identified in § 52.2070. To the extent that this table conflicts with § 52.2070, § 52.2070 governs.

**TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS**

State citation	Title/subject	Date adopted by State	Date approved by EPA	FR citation	52.2070	Comments/Unapproved sections
	Air pollution control regulation.					
No. 1 .....	Visible emissions .....	8/02/67	5/31/72	37 FR 10842 .....	(b)	
		2/28/72	5/31/72	37 FR 10842 .....	(b)	
		2/22/77	5/07/81	46 FR 25446 .....	(c)(12)	
No. 2 .....	Handfiring of soft coal .....	8/02/67	5/31/72	37 FR 10842 .....	(b)	
		2/28/72	5/31/72	37 FR 10842 .....	(b)	
		2/22/77	5/07/81	46 FR 25446 .....	(c)(12)	
No. 3 .....	Particulate emissions from industrial processes.	8/02/67	5/31/72	37 FR 10842 .....	(b)	
		2/28/72	5/31/72	37 FR 10842 .....	(b)	
		2/22/77	5/07/81	46 FR 25446 .....	(c)(12)	
No. 4 .....	Open fires .....	8/02/67	5/31/72	37 FR 10842 .....	(b)	
		10/01/71	5/31/72	37 FR 10842 .....	(b)	
		2/22/77	5/07/81	46 FR 25446 .....	(c)(12)	
No. 5 .....	Fugitive dust .....	8/02/67	5/31/72	37 FR 10842 .....	(b)	
		2/22/77	5/07/81	46 FR 25446 .....	(c)(12)	
No. 6 .....	Opacity monitors .....	8/02/67	5/31/72	37 FR 10842 .....	(b)	
		2/22/77	5/07/81	46 FR 25446 .....	(c)(12).	
		11/22/89	9/30/91	56 FR 49416 .....	(c)(37) ..	Amended Regulation No. 6.
No. 7 .....	Emission of air contaminants detrimental to persons or property.	8/02/67	5/31/72	37 FR 10842 .....	(b)	
		7/19/77	5/07/81	46 FR 25446 .....	(c)(12)	